

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ELIZABETH SUTCLIFFE,

Plaintiff,

vs.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, a foreign insurer,

Defendant.

Civil Action No.

King County Superior Court
Cause No. 21-2-11822-1 SEA

**NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. § 1332(a)**

(Clerk's Action Required)

TO: THE CLERK OF THE COURT

AND TO: PLAINTIFF AND COUNSEL FOR PLAINTIFF

PLEASE TAKE NOTICE that Defendant State Farm Mutual Automobile Insurance Company ("State Farm"), hereby gives notice of the removal of the above-captioned action, Cause No. 21-2-11822-1 SEA currently pending in the Superior Court of King County, Washington, to the United States District Court for the Western District of Washington at Seattle on the grounds set forth below:

1. This a civil action arising out of an insurance dispute, with claims for money damages under the insurance policy and money damages, statutory damages, and exemplary damages being sought. Plaintiff filed his Summons and Complaint on September 7, 2021 but served the Insurance Commissioner on September 13, 2021.

1 2. On or about September 23, 2021, State Farm obtained a copy of the Summons and
2 Complaint by way of mail from the Insurance Commissioner's Office.

3 3. According to the underlying Complaint, the motor vehicle accident occurred within
4 King County, Washington, and the King County Superior Court has jurisdiction over Plaintiff's
5 claims.

6 4. This Notice of Removal is being filed within thirty days of receipt of the Summons
7 and Complaint on Defendant.

8 5. Defendant State Farm is and was at all relevant times an Illinois corporation.
9 Defendant State Farm's principal place of business is and was at all relevant times Illinois.
10 According to the Complaint and upon information and belief, Plaintiff is and was at all relevant
11 times a visitor of the State of Washington and a resident of Maui County, Hawaii.

12 6. This is a civil action of which this Court has original jurisdiction under 28 U.S.C.
13 §1332 and is one which may be removed to this Court by Defendant pursuant to the provisions of
14 28 U.S.C. §1441(b) because it is a civil action between citizens of different states and the matter
15 in controversy exceeds the sum of \$75,000, exclusive of interests and costs.

16 7. Intradistrict Assignment: Removal is proper to the United States District Court for
17 the Western District of Washington at Seattle because that district and division embrace King
18 County.

19 8. Removal is permitted under 28 U.S.C. §1446(b)(1) which provides that:

20 The notice of removal of a civil action or proceeding shall be filed within 30 days
21 after the receipt by the defendant, through service or otherwise, of a copy of the
22 initial pleading setting forth the claim for relief upon which such action or
23 proceeding is based, or within 30 days after the service of summons upon the
24 defendant if such initial pleading has then been filed in court and is not required to
25 be served on the defendant, whichever period is shorter.

1 Defendant has filed the instant Notice of Removal within thirty (30) days of receipt of the
2 Summons and Complaint. Further, Defendant has a good faith belief that the amount in
3 controversy exceeds \$75,000. At issue in this litigation is Plaintiff's alleged entitlement to UIM
4 benefits under a State Farm Mutual Automobile Insurance Company insurance policy for an
5 accident on November 18, 2015. The UIM policy limit is \$250,000 per person and \$500,000 per
6 accident. Plaintiff is claiming personal injury and damages including medical expenses. Plaintiff
7 seeks extra-contractual damages in addition to the \$250,000 policy limits. In particular, Plaintiff
8 asserts claims of bad faith and violation of the Washington Consumer Protection Act and seeks
9 treble damages, attorneys' fees and statutory litigation costs, and punitive damages. Given this
10 information and Plaintiff's allegations, Defendant has a good faith belief that the amount in
11 controversy exceeds \$75,000.
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14 9. A true and correct copy of the Summons and Complaint filed in King County
15 Superior Court Case No: 21-2-11822-1 SEA are attached as **Exhibit A**.

16 10. Notice of this removal will be filed with the Clerk of the King County Superior
17 Court, Cause No. 21-2-11822-1 SEA and will be given to all other parties, in accordance with 28
18 U.S.C. § 1446(d).

19 WHEREFORE, Defendant State Farm Mutual Automobile Insurance Company gives
20 notice that the court action pending against it in King County Superior Court has been removed
21 from that court to the United States District Court for the Western District of Washington at Seattle.
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1 DATED this 13th day of October, 2021.

LEWIS BRISBOIS BISGAARD & SMITH LLP

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14 Attorneys for Defendant State Farm

15 Mutual Automobile Insurance Company

DECLARATION OF SERVICE

I hereby declare under penalty of perjury under the laws of the State of Washington that I caused a true and correct copy of the foregoing to be served via the methods below on this 13th day of October, 2021 on the following counsel/party of record:

Matthew N. Menzer, WSBA #21665 JohnDavid G. Toren, WSBA #48198 Menzer Law Firm, PLLC 705 Second Avenue, Suite 800 Seattle, WA 98104 (206) 903-1818 Attorneys for Plaintiff	<input checked="" type="checkbox"/> via U.S. Mail, first class, postage prepaid <input type="checkbox"/> via Legal Messenger Hand Delivery <input type="checkbox"/> via Facsimile <input checked="" type="checkbox"/> via CM/ECF <input checked="" type="checkbox"/> via E-mail: mmm@menzerlawfirm.com johndavid@menzerlawfirm.com
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Dated October 13, 2021 at Seattle, Washington.

s/ Melissa Chavez
 Melissa Chavez, Legal Secretary
melissa.chavez@lewisbrisbois.com